

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
9535 E. DOUBLETREE RANCH ROAD, SUITE 100, SCOTTSDALE, AZ 85258
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Aug 7, 2017

Case Number: 18-09

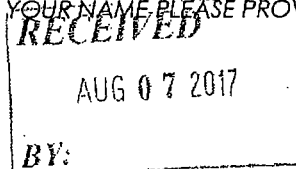
A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Kenneth Halbach
Premise Name: Buena Pet Clinic ~~Veterinary Doctors~~
Premise Address: 900 N Swan Road
City: Tucson State: AZ Zip Code: 85711
Telephone: (520) 323-9487

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Kathleen Levinson
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.



C. PATIENT INFORMATION (1):

Name: Sidra (white collar girl from Nyx Hamilton litter)

Breed/Species: Doberman Pinscher

Age: 8 months now Sex: Female Color: Black/Rust

PATIENT INFORMATION (2):

Name: _____

Breed/Species: _____

Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Buena Pet Clinic (above) and Canyon Pet Hospital 1054 E Old Canyon Court
Flagstaff.

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Lynn Hamilton [REDACTED] Clark Levinson (my spouse, same address).

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Kathleen Levinson

Date: 8/3/17

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

On approximately, November 10, 2016 when my puppy was 2 days old, Lynn Hamilton, the owner of the litter of 7 puppies brought them in for a tail dock and dewclaw removal. I had visited the pups when they were 3 weeks old and again when they were 6 weeks old, as we were purchasing one of the females. Lynn and I discussed the unusual discolored calluses on the end of their tails. She said that it may be from the stitches and she would consult the vet that performed the docking (Dr. Halbach). Lynn contacted me later to say that she would have the tails "corrected" in Las Vegas when a different vet would crop their ears.

We picked up our pup in January at 9 weeks, two days after her ear crop. We noticed that her tail was worse and that it had not been corrected. Lynn said the Las Vegas vet must not have thought it was bad enough to correct.

Since the day that we picked up our pup, she has been in pain and constantly licking her tail. I have participated in several obedience classes and our pup spent one week at a trainer for training. She has never been able to sit down all of the way and continued licking her tail. After several office visits to our vet in Flagstaff that we have used for 10 years, they took an x-ray of her tail. The last vertebra had approximately 1/5 of the corner cut off. The second joint has extensive arthritis. This was due to the constant inflammation of her tail. The vertebra came to a point at the end. That is what caused so much pain and the multiple calluses at the end of her tail. The tail was also docked very long which added to the pressure when she sat. I have the x-ray from our vet, as well as paid invoices. Please provide an email address so I may send them to you.

Our vet recommended surgery to remove the damaged vertebra. I asked if we could wait a year and combine it with her spay surgery. The vet strongly recommended doing the surgery that day, as she needed relief from the pain. This vet also will NOT perform ANY cosmetic surgeries and will only operate if there is a medical need. Since the recovery was going to be 2 to 3 weeks, we waited for a week to get our schedules in order to provide 24/7 care.

Lynn Hamilton called Dr. Halbach to let him know the situation and sent the x-ray through email. He responded that it wasn't that bad and to bring her in and give her anti-inflammatory medication and keep an e-collar on her. I left two voice mails for Dr. Halbach and sent a letter to him, with no response. The thought of putting an e-collar on her was ridiculous. How would that stop her pain from a point that was almost breaking through the end of her tail?

Dr. Halbach mutilated most of the pups in this litter. They had unnecessary pain and a second surgery to fix his neglect. My pups dewclaws also were not performed correctly, as there is bone that rubs against the skin due to not being cut correctly. I am appalled that he can't even bother to call me back. He should also pay for the medical bills that I have due to his error.

September 1, 2017

Arizona State Veterinary Medical Examining Board
9535 East Doubletree Ranch Road, Ste. 100
Scottsdale, Arizona 85258

Re: 18-09

To Whom It May Concern:

I am writing in response to your investigation in case 18-09, which concerns a complaint filed by a pet owner who purchased a puppy from a breeder client of mine, Lynn Hamilton. First of all, you should know that I have been docking tails and removing dewclaws on newborn puppies for over 13 years. Both procedures are straight forward without many options. I have docked tails on literally hundreds of purebred puppies without incident. In fact, many have gone on to be winners at national and international shows. I am always very careful with these surgeries as they impact the future value of the dogs for my clients and subsequent owners.

Also, great effort is made to do the surgeries exactly as each owner wants. The tail docking guidelines for a Doberman pincher is to leave $\frac{3}{4}$ inch which is approximately two vertebrae. In the case of the Nix litter (7 pups) of Miss Lynn Hamilton, the owner requested to dock the tails a little longer than usual. The owner was present during the procedure and gave her approval. Because the puppies are so young, it is not possible to cut exactly at an intervertebral space. Thus, a partial vertebra is possible and often results. The skin closure is often accomplished with either surgical glue or by placing a suture with absorbable material. Both were used for these puppies. A statement in the respected Fossum "Small Animal Surgery" text states that healing after caudectomy in puppies is usually uncomplicated. Puppies rarely irritate the surgical site. That is generally true. That being said, problems can occur, and that is why there is considerable debate on whether this procedure should be allowed in our profession.

On June 19th 2017 Miss Hamilton sent an e-mail including a radiograph and a note that stated that one of the puppies was in pain and that another veterinarian had indicated that further surgery was required. I talked to Miss Hamilton and suggested that an NSAID be tried along with a collar to prevent licking and chewing before considering surgery.

Several months later, the puppy was taken to an accomplished veterinarian in Las Vegas to have its ears cropped, that veterinarian did not see a need for further surgery on the dog's tail. The fact that the other veterinarian in Flagstaff recommended surgery shows the inconstancy and difference in opinions in the profession with respect to tail docking. I can't second guess the decision but am certainly pleased if the procedure has made this puppy more comfortable.

To my knowledge the June 19, 2017 communication was the last time I heard about this case. At Buena Pet Clinic, we always try to respond to our clients in a timely manner. Typically, clients contact us with a phone call and speak to a receptionist or come into the clinic. We do not have a system for clients to leave a message with e-mail. We do have an e-mail address, but in 14 years at Buena I have never used the e-mail and would not know how to even check it. As a licensed Arizona Veterinarian, I am not allowed to discuss a pet with someone other than the owner; unless the owner gives me permission to do so. Which did not occur in this case. Again, my client was the breeder, not the complainant in this case.

In sum, the tail docking procedure in this case, was done correctly and in compliance with the standard of care. It is always possible that the result might need to be adjusted but that does not mean that the original docking was done incorrectly. The puppy in this case was never brought back to me. Finally, the statement that Miss Levinson left two voice mails is not possible because we do not use a messaging system other than our receptionists. After receiving this inquiry, we looked back in the e-mail and found the letter Miss Levinson sent. I had not seen it and would not have been able to legally respond to it even if I had. Thank you.

Kenneth Halbach

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Robert Kritsberg, D.V.M. - Chair
Donald Noah, D.V.M.
Adam Almaraz
Amrit Rai, D.V.M.
Tamara Murphy

STAFF PRESENT: Tracy Riendeau, CVT – Investigations
Sunita Krishna, Assistant Attorney General

RE: Case: 18-09

Complainant(s): Kathleen Levinson

Respondent(s): Kenneth Halbach, DVM (License: 0850)

SUMMARY:

Complaint Received at Board Office: 8/7/17

Committee Discussion: 10/10/17

Board IIR: 11/15/17

APPLICABLE STATUTES AND RULES:

Laws as Amended July 2014

(Salmon); Rules as Revised September
2013 (Yellow)

On November 11, 2016, "Sidra," a 3-day-old female Doberman Pinscher was presented to Respondent for a tail dock and dewclaw removal.

On June 13, 2017, at 7-months-old, the dog was presented to Canyon Pet Hospital for evaluation of her tail. Complainant felt the dog's docked tail was causing her pain. The dog was examined and radiographs were performed; radiographs revealed the dorsal aspect of the last vertebra was shaved off and spondylosis was noted between the last and the next vertebra.

On June 27, 2017, the dog was presented to Canyon Pet Hospital to surgically remove the last vertebra of the tail. The procedure was performed and the dog was discharged later that day.

Complainant contends Respondent was negligent in the care of the dog.

Complainant was noticed and was available telephonically.

Respondent was noticed and was available telephonically. Attorney, David Stoll, was present.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Kathleen Levinson*
- Respondent(s) narrative/medical record: *Kenneth Halbach, DVM*
- Consulting Veterinarian(s) narrative/medical record: *Lisa Ethridge, DVM – Canyon Pet Hospital*

PROPOSED 'FINDINGS of FACT':

1. On November 11, 2016, the dog was presented to Respondent for a tail docking and dewclaw removal at 3 days old. Respondent removed the tail per pet owner's request which was a little longer than the Doberman tail docking guidelines (3/4 inch or two vertebrae).
2. According to Respondent, due to the age of puppies at the time of tail docking, it is not possible to cut exactly at an intervertebral space. Therefore, a partial vertebra is possible and often results.
3. In January the breeder had the dog's ears cropped by a veterinarian in Las Vegas. Two days later Complainant took over ownership of the dog.
4. On June 12, 2017, the dog was presented to Dr. Ethridge at Canyon Pet Hospital to have the tail evaluated. Complainant reported the dog was uncomfortable sitting and appeared bothered by her tail. Respondent explained that tail docking in puppies come with a risk because the bone is not formed and it is not difficult at all to cut into the bone instead of between the vertebra.
5. On exam, the dog had a good sized scar on the tip of the tail and it bothered the dog when Dr. Ethridge palpated it. Radiographs, with sedation, were recommended and scheduled for the following day.
6. On June 13, 2017, the dog was presented to Dr. Ethridge for sedated radiographs of the tail. Radiographs revealed the dorsal aspect of the last vertebra was shaved off and there was large amount of spondylosis between the last and next vertebra indicating there was irritation as well. Dr. Ethridge recommended removing the last vertebra as it could relieve some of the dog's issues with her tail. Complainant wanted to think about it.
7. On June 19, 2017, Respondent received an email, including a radiograph of the dog, from the breeder. The breeder advised Respondent that the dog had gone to another veterinarian and indicated that further surgery was required. Respondent spoke to the breeder and suggested that an NSAID be tried along with an Elizabethan collar to prevent licking and chewing before surgery could be performed.
8. On June 27, 2017, the dog was presented to Dr. Ethridge to have the last vertebra on the tail removed. Dr. Ethridge performed the procedure removing the area of scar tissue with the last vertebra. When examining the vertebra, marrow was visible on the dorsal aspect of the last 2/3 of the vertebra, consistent with shearing of the bone. Dr. Ethridge discharged the dog with strict orders for an Elizabethan collar to be worn and not allow the dog to chew on the tail. Tramadol and Cephalexin was dispensed.

9. The tail healed well and sutures were removed by an associate of Dr. Ethridge.

COMMITTEE DISCUSSION:

The Committee discussed that at the age tail dockings are performed the bone is soft and it is not possible to guarantee where the incising is taking place. The consulting veterinarian, Dr. Ethridge, also advised Complainant of this information.

In this case, the breeder was present, requested a specific length, and was satisfied with the procedure. Additionally, the mother of the pups could lick at the incision site, disrupt the sutures and cause scarring.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.



Tracy A. Riendeau, CVT
Investigative Division